

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE MARCH 28, 2006

SENATE BILL

No. 1430

Introduced by Senator Alquist

February 22, 2006

An act to amend Section 56.10 of the Civil Code, to amend Section 8659 of the Government Code, and to amend Section 100106 of, and to add Sections 101080.1, 101080.2, and 120176 to, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1430, as amended, Alquist. The Local Pandemic and Emergency Health Preparedness Act of 2006.

Existing law authorizes the Director of Health Services and local health officers to issue orders to enforce various public health and safety requirements. Existing law also authorizes local peace officers to enforce orders of the State Department of Health Services and of local health officers issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and authorizes the Director of Health Services and the local health officer to consider whether a request for enforcement assistance would necessitate advising regarding measures to be taken to prevent infection of enforcement officers when requesting assistance in enforcement of their orders.

This bill would enact the Local Pandemic and Emergency Health Preparedness Act of 2006, and state the intent of the Legislature to adopt this act in order to establish a mechanism by which local health officers and providers can mobilize and take appropriate actions in the event of a public health emergency and crisis.

~~(1) Existing law prohibits a provider of health care, a health care service plan, contractor, or corporation and its subsidiaries and affiliates from intentionally sharing, selling, or otherwise using any medical information, as defined, for any purpose not necessary to provide health care services to a patient, except as expressly authorized by the patient, enrollee, or subscriber, as specified, or as otherwise required or authorized by law. Violations of these provisions are subject to a civil action for compensatory and punitive damages, and if a violation results in economic loss or personal injury to a patient, it is punishable as a misdemeanor.~~

~~This bill would authorize a provider of health care or a health care service plan to disclose the medical information to a local health department for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events, and the conduct of public health surveillance, public health investigations, and public health interventions.~~

~~(2) Existing law provides any physician or surgeon, hospital, pharmacist, nurse, or dentist immunity from liability for any injury sustained by any person by reason of services rendered during any state of war emergency, state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency.~~

~~This bill would include within this immunity any health care provider, as defined to include, among others, podiatrists, psychologists, chiropractors, and marriage and family therapists.~~

~~(3) Existing law authorizes the Director of Health Services and local health officers to issue orders to enforce various health and safety requirements. Existing law also authorizes local peace officers to enforce the orders of the State Department of Health Services and of local health officers issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease and authorizes the state director and the local health officer to consider whether a request for enforcement assistance would necessitate advising regarding measures to be taken to prevent infection of enforcement officers when requesting assistance in enforcement of their orders.~~

~~This bill would require the State Department of Health Services to annually report to the Legislature on the number of instances when the department requests enforcement assistance from local peace officers under these provisions.~~

~~This bill would also authorize a local health officer, in the event of potential human exposures to biological, chemical, toxic, or radiological agents that may spread to others and require immediate action, to issue an order, which shall be in effect for a period not longer than 2 hours, to first responders for the purposes of immediately isolating exposed individuals. The bill would authorize the local health officer, if he or she determines within the 2-hour period, that decontamination or continued isolation of an exposed individual is necessary to protect the public health, to require that the exposed individual remain isolated for a reasonable period of time necessary to protect the public health, or to undergo decontamination, or both. The bill would make a violation of an order issued pursuant to those provisions a misdemeanor, punishable by a fine of up to \$1,000, or imprisonment in the county jail for a period of up to 90 days, or both.~~

~~(4) Existing law authorizes, in the event of a release, spill, escape, or entry of hazardous waste or medical waste that meets certain requirements, the Director of Health Services to declare a health emergency and the local health officer to declare a county health emergency in the county or any area thereof affected by the threat to the public health. Whenever a local health emergency is declared by a local health officer pursuant to these provisions, the local health emergency is prohibited from remaining in effect for a period in excess of 7 days unless it has been ratified by the board of supervisors, as specified.~~

~~This bill would also authorize the director to declare a health emergency and the local health officer to declare a county health emergency in the county or any affected area whenever there is a presence or threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent.~~

~~(5) Existing law requires each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the State Department of Health Services, or any other contagious, infectious, or communicable disease exists, or has recently existed, within the territory under his or her jurisdiction, to take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases. Violation of this provision is a misdemeanor.~~

~~This bill would require each health officer to take reasonable measures as may be necessary to prevent the occurrence and spread of human disease or adverse health conditions caused by any serious or life threatening contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent.~~

~~This bill would also require, during an outbreak of a communicable disease, or upon the imminent threat of a communicable disease outbreak, or epidemic that threatens the public's health, all health care providers, health clinics, health care service plans, pharmacies, and their suppliers, distributors, and other for-profit and nonprofit entities to disclose inventories of critical medical supplies, equipment, pharmaceuticals, vaccines, or other products requested by a local health official for use in the prevention of, or may be implicated in the transmission of, communicable disease to the local health officer.~~

~~By changing the definition of a crime and by increasing the duties of local officers, this bill would impose a state-mandated local program.~~

~~(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited as the
- 2 Local Pandemic and Emergency Health Preparedness Act of
- 3 2006.
- 4 SEC. 2. *It is the intent of the Legislature to adopt the Local*
- 5 *Pandemic and Emergency Health Preparedness Act of 2006 to*
- 6 *establish a mechanism by which local health officers and*
- 7 *providers can mobilize and take appropriate actions in the event*
- 8 *of a public health emergency and crisis.*

1 ~~SEC. 2. Section 56.10 of the Civil Code is amended to read:~~
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4 **All matter omitted in this version of the bill**
5 **appears in the bill as amended in the**
6 **Senate, March 28, 2006. (JR11)**
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